

EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

CHARLENE CARTER,

Plaintiff,

vs.

**TRANSPORT WORKERS UNION OF
AMERICA, LOCAL 556,**

Defendant.

CIVIL ACTION NO.

3:17-cv-02278-B

JURY DEMANDED

PRIVILEGE LOG

TO: Plaintiff Charlene Carter, by and through her attorney of record, Mr. David E. Watkins (via email: dwatkins@jenkinswatkins.com), Mr. Jason E. Winford (via email: jwinford@jenkinswatkins.com), Jenkins & Watkins, P.C., 2626 Cole Avenue, Suite 200, Dallas, Texas 75204-0817; AND Mr. Jeffrey D. Jenningsappell (via email: jdj@nrtw.org), Mr. Matthew B. Gilliam (via email: mbg@nrtw.org) -- National Right to Work Legal Defense Foundation, Inc., 8001 Braddock Road, Suite 600 Springfield, Virginia 22160.

Plaintiff submits the following description of documents, communications, and tangible things withheld from production or disclosure on privilege grounds under Federal Rules of Civil Procedure 26(b)(5) and 34. As discovery is ongoing, Plaintiffs reserves the right to amend and/or supplement this privilege log at any time if necessary. Furthermore, Plaintiff has not listed items that are core attorney-client-privilege documents, core attorney work product, or trial-preparations materials, as the Federal Rules of Civil Procedure do not require disclosure of these items. "Core" privileged items include, but are not limited to, communications directly between Plaintiff and his counsel of record in this litigation, as well as counsel's work product.

1. Attorney-Client Privilege

Asserted to withhold all documents/files because legal counsel was the sender or recipient of the document/file to Defendant TWU Local 556's officers/employees, or because legal counsel was one of the senders/recipient of such document/file. Defense counsel does not provide traditional business advice, and the protected communications were "generated for the purpose of obtaining or providing legal assistance"

1,216 documents/files withheld because of attorney-client privilege.

Pages	Description	Date	Author	Recipients	Claimed Privilege	Explanation
4	Memo	11/30/15	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
5	Memo	6/3/14	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
8	Memo	2/4/15	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
6	Memo	6/23/14	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
10	Memo	12/16/15	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
11	Memo	5/12/14	Phillips, Richard, and Rind, P.C. – Legal	Union E-Board	AC	556 Union Campaign/Negotiation Strategy

			Counsel			
13	Memo	9/5/14	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Contract Negotiations Update Archive
90	Excel File	11/13/18	Brandon Hillhouse – Grievance Committee Chairperson	Legal Counsel and Grievance Committee	AC	2018 Fact Finding Meeting by Base
4	Memo	3/31/16	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
10	Memo	5/12/14	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
3	Memo	12/16/14	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
3	Memo	12/16/14	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
12	Memo	10/8/18	Phillips, Richard, and Rind, P.C. – Legal Counsel	Union E-Board	AC	556 Union Campaign/Negotiation Strategy
10 tabbed sections	Excel File	1/23/18	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
11	Excel File	4/7/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
10	Excel File	4/10/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
8 tabbed sections	Excel File	4/10/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown

10	Excel File	5/5/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
10	Excel File	6/5/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
8 tabbed sections	Excel File	6/12/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
10	Excel File	6/12/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
8 tabbed sections	Excel File	6/28/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
10	Excel File	6/28/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
8 tabbed sections	Excel File	7/7/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
9	Excel File	7/7/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
9	Excel File	7/28/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
10	Excel File	8/2/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
10	Excel File	8/11/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
10	Excel File	8/16/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
10 tabbed sections	Excel File	8/22/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
10	Excel File	8/25/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report
1	Letter	9/28/17	Becky Parker – Grievance Committee Chair	E. Cloutman, III and Audrey Stone – Former Union President	AC	RE: C. Carter arbitration emails
10	Letter	9/29/17	Becky Parker – Grievance Committee Chair	Tammy Shaffer – Dir. Labor Relations, SWA, Audrey	AC	Active Grievance Report

				Stone – Former Union President, Brandon Hillhouse – Grievance Committee Chair		
10	Letter	10/6/17	Becky Parker – Grievance Committee Chair	Tammy Shaffer – Dir. Labor Relations, SWA, Audrey Stone – Former Union President, Brandon Hillhouse – Grievance Committee Chair	AC	Active Grievance Report
10 tabbed sections	Excel File	10/6/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
10 tabbed sections	Excel File	10/13/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
10 tabbed sections	Excel File	10/27/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
10 tabbed sections	Excel File	11/3/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
10 tabbed sections	Excel File	10/6/17	Grievance Committee	Legal Counsel	AC	Grievance Status Breakdown
10	Excel File	8/25/17	Grievance Committee	Legal Counsel	AC	Active Grievance Report

2. Work Product Privilege

The following documents are currently being withheld because in 2010, Counsel for the

Union and its grievance team managers began developing a systematic process for grievance handling/processing requiring documentation of calls, meetings internally and with Southwest Airlines Company (SWA) (Fact Finding and Step Two meetings). Notes were taken of such meetings and documented in the FA grievance file, pursuant to legal advice of counsel. This system continued to be refined and now includes the compiling of a report to the Executive Board (“Board Packet”) which summarizes the grievance team’s investigation and the position of Defendant Southwest Airlines regarding each grievance. These documents together make up the “Board Packets,” which is an amalgamated format of the documents making up the systematic grievance process described above.

All of the above steps are and were taken pursuant to advice of counsel in an effort to insure grievances were handled in good faith, without discrimination, non-arbitrary in nature, in order to explain, and if need be, defend TWU Local 556’s actions on each grievance in potential litigation. In addition, the documents sought by Plaintiff is information not only prepared in anticipation of future litigation of Duty of Fair Representation Claims, on advice of counsel, but more immediately for the pending internal grievance procedures, i.e. internal grievances and arbitration procedures as set forth by the Collective Bargaining Agreement between the two named Defendants, TWU Local 556 and Southwest Airlines.

Pursuant to the Court’s Order, these documents are currently being reviewed *in camera* for purposes of production.

Withheld: Board Packets for individuals (as follows):

No. 2.B. “Board Packets” for 1 individual.

No. 10 B. “Board Packets” for 112 individuals.

No. 15.A-I. “Board Packets” for 7 individuals.

Nos. 18-20 “Board Packets” for 2 individuals.

Nos. 23 “Board Packets” for 2 individuals.

Respectfully submitted,

August 3, 2020

/s/ Adam S. Greenfield
Adam S. Greenfield
State Bar No. 24075494
Email: agreenfield@candglegal.com
**LAW OFFICE OF CLOUTMAN
& GREENFIELD, PLLC**
3301 Elm Street
Dallas, TX 75226-1637
Phone 214.939.9222
Fascimile 214.939.9229

OF COUNSEL:

Edward B. Cloutman, III
State Bar No. 04411000
Email: ecloutman@lawoffices.email
Law Offices of Ed Cloutman
3301 Elm Street
Dallas, Texas 75226-1637
214.939.9222
214.939.9229 Fascimile

COUNSEL FOR DEFENDANT